

# **BMP Maintenance Certifier (BMC) Program**

*for*

All Regulated Stormwater BMPs in the City of Durham

City of Durham  
DEPARTMENT OF PUBLIC WORKS  
Stormwater Services Division  
101 City Hall Plaza, 3<sup>rd</sup> Floor  
Durham, NC 27701  
Phone: 919/560-4326  
Fax: 919/560-4316  
[www.durhamnc.gov](http://www.durhamnc.gov)

## **Background**

The proper design and construction of an engineered stormwater BMP is essential to its ability to adequately remove pollutants from stormwater runoff. Equally important is the proper operation and upkeep of such a facility. Without proper maintenance, a BMP will not function as it is intended and may even cause a host of problems from dangers to the public to nuisance odors to reduced property values.

Like most jurisdictions in North Carolina, the City of Durham Stormwater Services Division (SSD) requires annual inspections (e.g., maintenance certifications) of all regulated BMPs in operation within the City limits. These annual maintenance certifications are required under the recorded agreement executed by the owner and the City during the construction drawing and permitting process for each Stormwater BMP. Noncompliance with the agreement may subject the owner to specific enforcement actions by the City as outlined in the agreement and in the City Code. The purpose of this document is to specify the inspection certification requirements and procedures for the BMP Maintenance Certifier (BMC) Program, which are to be followed by all who provide annual maintenance certifications of BMPs in the City of Durham.

## **Minimum Qualifications to Obtain a BMC Certification**

In order for the City of Durham, North Carolina, to certify a registered North Carolina Professional Engineer or North Carolina Registered Landscape Architect as a “BMP Maintenance Certifier,” or “BMC,” the following qualifications and evidences must be submitted to SSD:

1. The applicant must submit an application to perform annual BMP maintenance certification inspections in the City of Durham. The applicant must have completed no less than 10 construction and/or maintenance BMP inspections in the last 12-months. The application is to include an attached professional resume of applicable BMP inspection (either construction or maintenance or both) experience. The resume must provide a list of the BMPs inspected (including the type, date, and location) during the aforementioned 12-month period. Applications can be obtained from SSD directly or can be downloaded off the City’s webpage.

2. The applicant must be either a registered North Carolina Professional Engineer (PE) or a North Carolina Registered Landscape Architect (RLA). The applicant must provide his/her North Carolina PE or RLA seal on the application.
3. The applicant must complete an SSD approved BMP maintenance and inspection training workshop, similar to the workshop offered by Dr. Bill Hunt with North Carolina State University. Evidence of the training, such as a certification number or other certificate demonstrating the successful completion of such a workshop, is to be included with the application. Certifications must be maintained in order to remain valid.

Note 1: Applicants who maintain a valid BCE (BMP Certifying Engineer) certification on file with SSD will only have to provide evidence of qualification No. 3 with their application. As such, a resume of inspection experience will not be required.

Note 2: A BCE does not have to be a BMC, and a BMC does not have to be a BCE.

### **Disciplinary Actions**

Conducting business with regards to the inspection of BMPs governed by the City's NPDES permit is deemed a privilege and should not be taken lightly. Currently, SSD does not have the resources to perform quality control for the annual maintenance inspection of every BMP in the City of Durham. However, it is anticipated that SSD will, on an annual basis, inspect approximately 25% of those BMPs in operation. If SSD performs such an inspection and discovers that a BMC has filed an egregiously false maintenance certification, the following penalties will apply (Note: An "egregiously false certification" includes, but is not limited to, the following examples: (1) Certification of a facility that was never built; (2) Certification of a facility that was never "completed" during the development/construction process; (3) Certification of a facility that contains significant functional and/or safety deficiencies that appear to have been in existence at the time the certification was submitted.):

1. The BMC, who filed the false certification, will have his/her certification revoked and will be unable to reapply for recertification for at least six months from the date the City revoked the certification. Note: If the BMC is also a BCE, that individual's BCE certification will also be revoked, and the individual will be required to follow the BCE protocol for BCE certification to become recertified as a BCE.
2. The BMC, who filed the false certification, will be reported to his/her respective licensing board for possible disciplinary action.
3. The owner of the BMP that was falsely certified may be deemed a violator of the City's illicit discharge ordinance and may be subject to the penalties and fines of Sec. 23-145 of the Durham City Code.

### **Program Application**

For NCPEs and NCRLAs who wish to submit BMP annual maintenance certifications in the City of Durham, enrollment in this program is mandatory.

### **Program Implementation**

This program will go into effect at 12:01 a.m., on November 1, 2007, and will apply to all BMP annual maintenance certifications received after that date.